THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.3644 of 2007

Dated 23-02-2007

Between:
Dr.D.Mohan Rao.

..... PETITIONER

AND

The Returning Officer, Election to the legislative Council in A.P., from Srikakulam, Vizianagaraam and Visakhapatnam Graduates and Teachers Council Constituency/district Collector, Visakhapatnam District, Visakhapatnam & others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.3644 of 2007

ORDER:

The petitioner filed his nomination for being elected as a member to the A.P. Legislative Council against the graduates Constituency of Srikakulam, Vizianagaram and Visakhapatnam Districts. The Returning Officer, first respondent herein, addressed a letter, dated 22-02-2007, drawing the attention of the petitioner to the fact that he did not enclose the proof of his having been included in the electoral roll. Petitioner contends that his name was included in the voters' list of Srikakulam Assembly Constituency in the year 2004 and as his name was deleted in the year 2006, he submitted form-6 on 10-12-2006 before the third respondent. He contends that on account of the inaction on the part of the third respondent, his name was not included. The petitioner seeks a direction to respondents 1 and 2 not to reject his nomination on the ground that the particulars of his voter list are not furnished.

Heard the learned counsel for the petitioner and the learned Government Pleader for General Administration Department.

One of the particulars required to be furnished in the nomination, is the one relating to the registration of the candidate as a voter. Though the election is to the Legislative Council, a candidate must be a voter in any Assembly Constituency. The only way to disclose such identity is by mentioning the serial number in the voters' list of the Assembly Constituency in which the candidate resides. Further, if the candidate resides in a different constituency, he is required to furnish a copy of the voters' list in which his name

figures. The petitioner did not comply with any of these things.

The mere fact that he submitted an application in form-6 by itself does not entitle him to be treated as a voter. What is material is the inclusion of his name in the voters' list. The petitioner ought to have taken necessary steps for inclusion of his name in the voters' list. The Representation of the Peoples' Act, 1951 provides for correction of voters list till the last date of filing of nomination. For one reason or the other, the petitioner did not take adequate and necessary steps for getting his name included in the voters' list. This Court does not find any basis to grant relief to the petitioner.

The Writ Petition is accordingly dismissed. No order as to costs.

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23-02-2007

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